

Chapter 9.60

ABANDONED VEHICLES

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9.60.010 Definitions. As used in this chapter the following terms are defined as follows:

- (1) "Abandoned" when used in conjunction with the term vehicle, means:
 - (a) Any vehicle located on public premises which does not have lawfully affixed thereto or displayed thereon a valid unexpired license plate and inspection sticker permitting its operation upon the highways of the State of Indiana;
 - (b) Any vehicle which is parked or located on public premises continuously without being moved for a period of seventy-two (72) hours, except before the legal or temporary residence of the owner;

- (c) Any vehicle located on public premises illegally or in such manner as to constitute a hazard or obstruction to the movement of pedestrian or other vehicle traffic on a public right-of-way, street or highway;
 - (d) Any vehicle that remains on private premises without the consent of the owner or person in control of such premises, for more than forty-eight (48) hours;
 - (e) Any vehicle that is over five (5) years old, is mechanically inoperable, and is left unattended on private premises in a location which is visible from public premises or private premises of another for more than fourteen (14) days;
 - (f) Any vehicle from which there has been removed the engine or transmission or differential or which is otherwise partially dismantled or inoperable and left unattended on public premises;
 - (g) Any vehicle which has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance other than the ordinance codified in this chapter, the violation of which may require the removal and impoundment of said motor vehicle, and which motor vehicle once impounded is not claimed or redeemed by the owner or his agent within thirty (30) days of its removal.
- (2) "Automobile wrecker" means an automobile wrecking and parts business.
 - (3) "Bureau" means the Bureau of Motor Vehicles of the State of Indiana.
 - (4) "Disposal agent" means any firm or individual engaged in the business as a scrap metal processor or automobile wrecker.
 - (5) "Officer" means any regular member of the Jasper Police Department.
 - (6) "Owner" means the last known record title holder to a vehicle according to the records of the Bureau of Motor Vehicles of the State of Indiana under the provisions of I.C. 9-1-1.
 - (7) "Parts" means all component parts of a vehicle which are in a state of disassembly, or are assembled with other vehicle component parts, but which, in their state of assembly, do not constitute a complete vehicle.
 - (8) "Person" means all natural persons, firms, partnerships and corporations.

- (9) "Private premises" means all privately owned property which is not classified within the definition of public premises in subsection (11) of this section.
- (10) "Public agency" means bureau or local agency given the responsibility by ordinance for the removal, storage, and disposal of abandoned vehicles.
- (11) "Public premises" means any public right-of-way, street, highway, alley, park, or other state, county or municipally owned property.
- (12) "Scrap metal processor" means an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron and scrap steel or nonferrous scrap for sale or remelting purposes.
- (13) "Towing service" means a business organized for the purpose of moving or removing disabled motor vehicles and, once removed, to store or impound such motor vehicles.
- (14) "Vehicle" means any motor vehicle, automobile, motorcycle, truck, trailer, semitrailer, truck tractor, bus, school bus, recreational vehicle, motorized bike, or parts from any said vehicles.
- (15) "Visible" means located in an open area and not in a fully enclosed facility. (Ord. 1997-15, S9.60.010, 1997)

9.60.020 Exempt from Ordinance. This Ordinance (Chapter) does not apply to the following:

- (1) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
- (2) A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility.
- (3) A vehicle located upon property licensed or zoned as an automobile scrap yard.
- (4) A vehicle registered and licensed under I.C. 9-18-12 as an antique vehicle. (P.L. 2-1991, & 10.) (Ord. 1997-15, S9.60.020, 1997)

9.60.030 Abandonment prohibited. No person shall abandon his vehicle on any public premises or private premises in a location which is visible from public premises. (Ord. 1997-15, S9.60.030, 1997)

9.60.040 Removal authority designated. The Police Department of the City of Jasper is the authorized agency assigned the responsibility for removing vehicles defined as abandoned under the provisions of this chapter. (Ord. 1997-15, S9.60.040, 1997)

9.60.050 Liability for abandonment. The person who owns an abandoned vehicle or parts is:

- (1) Responsible for the abandonment; and,
- (2) Liable for all of the costs incidental to the removal, storage, and disposal; of the vehicle or the parts thereof. (Ord. 1997-15, S9.60.050, 1997)

9.60.060 Impoundment and sale condition - Value under one hundred dollars. Any vehicle considered abandoned under the provisions of this chapter, which in the officer's opinion has a value of less than One Hundred Dollars shall be subject to removal, impoundment and sale by the police department under the following conditions:

- (1) After making a reasonable effort to ascertain the owner or persons who may be in control of the abandoned vehicle by inquiring of other persons in the neighborhood where the abandoned vehicle is located, such vehicles shall be tagged by a police officer with a notice tag affixed in a prominent place on such vehicle and said tag which shall be prepared by the police department and shall contain the following information:
 - (a) That the vehicle or parts are considered abandoned,
 - (b) That the vehicle or parts will be removed seventy-two (72) hours thereafter, impounded and subsequently disposed of,
 - (c) That the owner will be held responsible for all costs incidental to the removal, storage and disposal, and if not paid, the owner's registration privileges will be suspended,
 - (d) That the owner may avoid costs of suspension of registration privileges by removal of the vehicle or parts within seventy-two (72) hours,
 - (e) The date, time, officer's name and the address and telephone number of the police department to contact for information. (Ord. 1997-15, S9.60.060, 1997)

9.60.070 Impoundment and sale conditions - Value over one hundred dollars. Any vehicle or parts considered abandoned under the provisions of this chapter, which has in the officer's opinion has a value of more than One Hundred Dollars shall be subject to removal, impoundment, and sale by the police department, under the following conditions:

- (1) After making a reasonable effort to ascertain the owner or persons who may be in control of the abandoned vehicle by inquiring of other persons in the neighborhood where the abandoned vehicle is located, such vehicles shall be tagged by a police officer with a notice tag affixed in a prominent place on such vehicle and said tag which shall be prepared by the police department shall contain the following information:
 - (a) That the vehicle or parts are considered abandoned,
 - (b) That the vehicle or parts will be removed after seventy-two (72) hours, impounded and subsequently disposed of,
 - (c) That the owner will be held responsible for all costs incidental to the removal, storage and disposal, and if not paid, the owner's registration privileges will be suspended,
 - (d) That the owner may avoid costs or suspension of registration privileges by removal of the vehicle or parts within seventy-two (72) hours, and
 - (e) The date, time, officer's name and the address and telephone number of the police department to contact for information. (Ord. 1997-15, S9.60.070, 1997)

9.60.080 Preparation of report. Photographs: If a vehicle or a part is tagged under Section 9.60.060 or Section 9.60.070 of this Ordinance and is not removed within the seventy-two (72) hour period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts, and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts. Report by Officer: If a vehicle is towed, a copy of the abandoned vehicle report, containing a description of the vehicle, the make, model, identification number, number on the license plate, and photographs relating to the abandoned vehicle shall be forwarded to the bureau. Either the Jasper Police Department or the storage lot shall request that the bureau advise the Jasper Police Department or storage lot of the name and most recent address of the person who owns or holds a lien on the vehicle. (Ord. 1997-15, S9.60.080, 1997)

9.60.090 Disposal procedure - Value under one hundred dollars. If in the officer's opinion the market value of an abandoned vehicle or parts does not exceed the sum of One Hundred Dollars, the police department shall within seventy-two (72) hours after the value is determined to be under One Hundred Dollars, the officer shall immediately dispose of the vehicle to an automobile scrapyard. The Jasper Police Department shall retain the original records and photographs for at least two (2) years. (Ord. 1997-15, S9.60.090, 1997)

9.60.100 Disposal procedure - Value over one hundred dollars. If in the officer's opinion the market value of the abandoned vehicle or parts is at least one hundred dollars, the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts. After seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage area. If the person who holds a lien upon a vehicle does not appear within fifteen (15) days after receiving notice by certified mail that this Ordinance has been violated, the unit may sell the vehicle or parts by either of the following methods:

- (1) The Jasper Police Department may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under I.C. 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.
- (2) If the property remains unclaimed for fifteen (15) days after given notice, the Jasper Police Department may sell the vehicle or part as unclaimed property. (Ord. 1997-15, S9.60.100, 1997)

9.60.110 Impoundment costs. The owner of the motor vehicle shall be charged for towing or removing the vehicle. These amounts shall be equivalent to the charges that the towing agency charges for this service. Impoundment costs - Assessment to owner. The requirements are as follows:

- (1) The proceeds of sale of an abandoned vehicle in accordance with this chapter shall be credited against all costs incident to the removal, storage and disposal of such vehicle. If such costs exceed the proceeds of sale, the police department shall cause to be prepared and forwarded to the bureau a statement identifying the vehicle and showing the costs incurred in the removal, towing, storage and disposal of such vehicle, accompanied by the sale price thereof, and bearing a certification that:
 - (a) The last owner of said vehicle was mailed a notice of the removal and the pending disposition of the vehicle.
 - (b) That said notice contained a statement of all the costs incidental to such removal, storage and disposal.
 - (c) That such costs remain unpaid. (Ord. 1997-15, S9.60.110, 1997)

9.60.120 Abandoned vehicle fund. Establishment - Function. There is created in the City of Jasper abandoned vehicle fund which shall be a revolving fund, and all moneys paid to the City for the cost of removal, storage and disposal of abandoned vehicles shall be placed in said fund and in no other place. Said fund shall also have added to it such moneys as may be appropriated by the common council and such moneys also shall not

revert to the general fund but shall remain in the abandoned vehicle fund. (Ord. 1997-15, S9.60.120, 1997)

9.60.130 Emergency Situations. Notwithstanding any other section, in an emergency situation a vehicle may be removed immediately. As used in this subsection, "emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the property owner, impedes the property owners use of said property or poses a threat to the safety or security of persons, property or both. (Ord. 1997-15, S9.60.130, 1997)

9.60.140 Exempt from liability. The following are not liable for loss or damage to a vehicle or parts occurring during the removal, storage, or disposition of a vehicle or parts under this chapter:

- (1) A person, other than the owner of the abandoned vehicle or parts, who owns, leases, or occupies property from which an abandoned vehicle or parts are removed.
- (2) A public agency.
- (3) A towing agency.
- (4) An automobile scrapyard. (Ord. 1997-15, S9.60.140, 1997)

9.60.150 Administrative liability. No officer, agent, or employee of the City of Jasper shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the City of Jasper as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the City attorney until the final determination of the proceedings therein. (Ord. 1997-15, S9.60.150, 1997)

9.60.155 Penalty for Violation. Any person, persons, firm or corporation causing or violating any of the provisions of this chapter shall, upon conviction, be fined not less than twenty-five nor more than one hundred dollars for the first violation. Second and subsequent violations will result in a fine of not less than fifty dollars nor more than two hundred dollars. In the event of a continuing or maintaining of a violation of any section of this chapter, any person, firm or corporation causing or maintaining said nuisance shall upon conviction, be fined in a sum not less than five hundred dollars. Each day's operation or maintaining of said nuisance or any part thereof shall be a separate violation. (Ord. 2000-30, S9.60.155, Nov. 22, 2000)

9.60.160 Enforcement. The Jasper Police Department shall enforce this ordinance (Chapter). (Ord. 1997-15, S9.60.160, 1997)

9.60.170 Separability. If any section, sub-section, sentence, clause, phrase or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 1997-15, S9.60.170, 1997)

9.60.180 Prior Ordinances. All ordinances and/or parts of ordinances in conflict herewith are hereby repealed, specifically Ordinance 1993-16 and Ordinance 955. (Ord. 1997-15, S9.60.180, 1997)

9.60.190 Effective date. This ordinance shall be in full force and effect from and after notice, passage by the Common Council, approval by the Mayor, all in the manner as provided by law. Adopted this 18th day of June, 1997. (Ord. 1997-15, S9.60.190, 1997)